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Attorneys for Defendants
DIGITAL REALTY TRUST, INC.
and ELLEN JACOBS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAUL SOMERS, an individual,

Plaintiff,

v.

DIGITAL REALTY TRUST, INC., a Maryland
corporation; ELLEN JACOBS, an individual, and
DOES ONE through TEN, inclusive,

Defendants.

Case No. 3:14-cv-05180 EMC (KAW)

**EXPEDITED STIPULATION TO
CONTINUE PLAINTIFF'S DEPOSITION
TO ALLOW FOR SUBSTITUTION OF
COUNSEL; ~~[PROPOSED]~~ ORDER**

EXPEDITED STIPULATION TO CONTINUE PLAINTIFF'S DEPOSITION TO ALLOW FOR SUBSTITUTION OF
COUNSEL; [PROPOSED] ORDER // CASE NO. 3:14-CV-05180 EMC (KAW)

The parties to the captioned matter, by and through their respective counsel of record, hereby stipulate:

1. WHEREAS, Plaintiff's current counsel of record, Jennifer Anderson, substituted into this lawsuit on October 4, 2016;

2. WHEREAS, Plaintiff informed Ms. Anderson on October 19, 2016 that he is terminating her engagement as his counsel effective immediately and that she is to withdraw as counsel of record, or words to that effect;

3. WHEREAS, this Court ordered Plaintiff's deposition to be taken next week, on October 26, 2016;

4. WHEREAS, Ms. Anderson will not be relieved as counsel by October 26, 2016, nor will plaintiff have an opportunity to hire new counsel by that date;

5. WHEREAS, defense counsel is unwilling to proceed with plaintiff's deposition until the Court reviews and approves Plaintiff's representation situation, which will not happen today;

6. WHEREAS, defense counsel cannot properly prepare for Plaintiff's October 26, 2016 deposition after today due to counsel's travel schedule and other client commitments;

NOW, THEREFORE, the parties stipulate to continue Plaintiff's deposition from October 26, 2016 to November 22, 2016 and ask the Court to find GOOD CAUSE for Plaintiff's deposition to take place then. This continuance of the ordered deposition will allow Plaintiff's current counsel to withdraw from the case in an orderly fashion, provide the Plaintiff with an opportunity to hire new counsel and have that counsel be prepared to defend the deposition, and assure defense counsel that Plaintiff has the opportunity to have his deposition taken with counsel of his choice representing him, if any.

ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)

I, Brian T. Ashe, attest that concurrence in the filing of this stipulation has been obtained from the signatory, Jennifer Suzanne Anderson, counsel for Plaintiff.

Executed this 19th day of October 2016, in San Francisco, CA.

/s/ Brian T. Ashe
Brian T. Ashe

1 DATED: October 19, 2016

Respectfully submitted,

3 By: /s/ Jennifer S. Anderson
4 Jennifer S. Anderson

5 Attorney for Plaintiff
6 PAUL SOMERS

8 DATED: October 19, 2016

Respectfully submitted,

10 SEYFARTH SHAW LLP

12 By: /s/ Brian T. Ashe

13 Brian T. Ashe
14 Kyle A. Petersen
15 Shireen Y. Wetmore

16 Attorneys for Defendants
17 DIGITAL REALTY TRUST
18 and ELLEN JACOBS

19 **[PROPOSED] ORDER**

20 GOOD CAUSE appearing therefore, it is hereby ORDERED that plaintiff's deposition shall be
21 continued from October 26, 2016 to November 22, 2016.

22 DATED: 10/19/16

23 
24 THE HONORABLE KANDIS A. WESTMORE